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In re Application of
ROBINSON et al.
Application No.: 10/577,124
PCT No.: PCT/GB04/04775
Int. Filing Date: 10 November 2004
Priority Date: 10 November 2003
Attorney Docket No.: 05794.00003
For: PROTEINS INVOLVED IN QUORUM
SENSING

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated 01 May 2007 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants request to change the name of the second inventor from Hannah Rising to Hannah Cook. The \$400 petition fee will be charged to counsel's Deposit Account No. 50-1943.

BACKGROUND

On 26 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and an application data sheet.

On 06 March 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 May 2007, applicants filed an executed declaration of inventors and a statement from counsel (John P. Blasko) that "inventor Hannah Sue Rising has married and has adopted her husband's family name, Cook."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the

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typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the second inventor from Hannah Rising to Hannah Cook. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 50-1943 for required fees. Based on this authorization, Deposit Account No. 50-1943 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. However, applicants have not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Because applicants have failed to submit all the requirements for a grantable petition, correction of the inventor's name on the present record is inappropriate. Accordingly, the declaration filed 01 May 2007, which identifies the second inventor as Hannah Cook, is defective for failure to properly identify the inventors of record herein.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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